

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/530,556 Confirmation No. 8864
Applicant: Dunn-Coleman et al.
Filed: October 11, 2005
Art Unit: 1652
Examiner: Saidha, Tekchand
Docket No.: GC781-2-US
Customer No.: 5100

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is in response to the Restriction Requirement mailed January 4, 2008 in the above-identified patent application. A Four-Month Extension of Time is being filed concurrently herewith. Therefore, this Response is being filed on or before the current due date of June 4, 2008.

The Examiner has required restriction among Groups I - VIII. Applicants hereby elect, with traverse, the invention in Group I, Claims 1-17, and 19 - 20, drawn to an isolated polynucleotide of SEQ ID NO:3 encoding beta-glucosidase of SEQ ID NO:2, vector, host cells and recombinant method of making the beta-glucosidase.

Applicants traverse this restriction requirement and believe that a search and examination of Groups I - VIII can be made without serious burden, see MPEP sections 803 and 808. Groups I - VIII all relate to an isolated polynucleotide of SEQ ID NO:3 encoding beta-glucosidase of SEQ ID NO:2 and Groups I - VIII could be searched together. In addition, the entire specification relates to beta-glucosidase, i.e., the same structure, i.e., the same function, for use in various industrial applications, i.e., the same utility. Thus, there would not be a serious burden on the Examiner to search Groups I - VIII and Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement.

Applicants thank the Examiner for noting that after the elected product claims have been found allowable, all withdrawn process (method) claims which depend from or otherwise include all of the limitations of the allowed product claims should be rejoined. MPEP §821.04; page800-63, 8th Edition, August 2001; In re Ochiai, 37 USPQ2d 1127 (Fed. Cir. 1995); In re Brouwer, 37 USPQ2d 1663 (Fed Cir 1995); 1184 OG 86, 3/26/96.

Applicants reserve the right to file subsequent applications claiming the non-elected subject matter and do not waive any of their rights or abandon any non-elected subject matter. Applicants have fully and completely responded to the Office Action and have made the required election. This application is now in order for early action.

Respectfully submitted,

Date: June 3, 2008

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